



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2009 LRB-4784/P1 (For: DCF)

has been transferred to the drafting file for

2011 LRB-0147 (For: DOA-Budget)



RESEARCH APPENDIX - **PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 09/28/2010 (Per: PJK)

☞ The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2009 DRAFTING REQUEST

Bill

Received: **08/10/2010**

Received By: **pkahler**

Wanted: **As time permits**

Companion to LRB:

For: **Children and Families 261-4349**

By/Representing: **Bob Nikolay**

May Contact:

Drafter: **pkahler**

Subject: **Dom. Rel. - paternity**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Robert.Nikolay@wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Confidential petition addendum in paternity actions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 08/11/2010	kfollett 08/12/2010		_____			
/P1			jfrantze 08/13/2010	_____	cduerst 08/13/2010		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 08/10/2010

Received By: **pkahler**

Wanted: **As time permits**

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Pre Topic:

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Topic:

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1/?	pkahler	1P/5f 8/12	8/12	ND 8/13			

FE Sent For:

<END>

**Department of Children and Families
2011-13 Biennial Budget
Statutory Language Request**

Topic: Confidential Petition Addendum

Current Language:

Current language at s. s. 767.215(5) requires that the when an action affecting the family (i.e., divorce, paternity) is commenced, the social security numbers of the parties and the minor children must be filed with the court on a Confidential Petition Addendum (CPA) form that is separate from the petition. Wisconsin Statutes at s. 767.215(5) requires that the form be maintained separately from the rest of the case file and disclosed only to the parties, their attorneys, the child support agency, and any other person authorized by law or court order to have access.

Proposed Change:

Amend s. 767.215(5) language to provide that in a paternity action, the CPA with the social security numbers of the parties and minor children must be filed with the court within five business days after paternity is adjudicated, rather than at the beginning of the action when the petition is filed. (Note: A similar provision was included in 2007 Senate Bill 362) LTRB-2449

Justification:

Some counties name multiple potential fathers in a single paternity action. If the CPA is considered part of the petition, each of the named parties would obtain access to each others' social security numbers. The proposed change would limit the number of people who would have access to a person's social security number and help protect their privacy.

Desired Effective Date: Upon enactment

Agency Contact: Connie Chesnik
267-7295

Kahler, Pam

From: Nikolay, Robert A - DCF [Robert.Nikolay@wisconsin.gov]
Sent: Tuesday, August 10, 2010 4:52 PM
To: Kahler, Pam
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

Yes. Sorry about that.

Bob Nikolay
Budget Director
Office of Performance and Quality Assurance
Wisconsin Department of Children & Families
(608) 261-4349

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, August 10, 2010 4:50 PM
To: Nikolay, Robert A - DCF
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

Bob - I assume you mean do not add the change to (5) (a) 2.

From: Nikolay, Robert A - DCF [mailto:Robert.Nikolay@wisconsin.gov]
Sent: Tuesday, August 10, 2010 4:28 PM
To: Kahler, Pam
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

(5)(b) seems fine as a technical change. I would not amend (5)(b) at this time, but will consult with Connie on that as I don't know what impact this would have.

Bob Nikolay
Budget Director
Office of Performance and Quality Assurance
Wisconsin Department of Children & Families
(608) 261-4349

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, August 10, 2010 2:24 PM
To: Nikolay, Robert A - DCF
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

Bob:

In looking at 2007 SB 362, I see that a couple other changes were made to s. 767.215 (5) (a) 2. and (b). Would you like to have those included in the first bill? (The change to s. 767.215 (5) (a) 2. is probably technical but could have a substantive effect. The change to s. 767.215 (5) (b) appears to be technical.)

Pam

From: Nikolay, Robert A - DCF [mailto:Robert.Nikolay@wisconsin.gov]
Sent: Tuesday, August 10, 2010 1:31 PM
To: Kahler, Pam
Subject: DCF Biennial Budget Stat Language Drafting Requests

Attached are two drafting requests for the Department of Children and Families that may be included in our Sept. 15 budget request.

<< File: CPA Stat.doc >> << File: Milw CW Partnership Council.doc >>
Hope you enjoyed your week off.

Bob Nikolay
Budget Director
Office of Performance and Quality Assurance
Wisconsin Department of Children & Families
(608) 261-4349

Kahler, Pam

From: Nikolay, Robert A - DCF [Robert.Nikolay@wisconsin.gov]
Sent: Wednesday, August 11, 2010 11:00 AM
To: Kahler, Pam
Cc: Chesnik, Connie - DCF
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

OK. I have now gone back and looked at this closer and yes I think you can include all of the changes in 767.215 (5)(a) intro, 767.215(5)(a)2, the newly created 767.215(5)(am) and 767.215(5)(b) that were in SB 362. Sorry for the confusion.

Bob Nikolay
Budget Director
Office of Performance and Quality Assurance
Wisconsin Department of Children & Families
(608) 261-4349

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Wednesday, August 11, 2010 10:47 AM
To: Nikolay, Robert A - DCF
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

Sorry, Bob, but it is the change to s. 767.215 (5) (a) 2. that is not merely technical. I was going to make the change to s. 767.215 (5) (b) for sure as a purely technical change. I take it that Connie is ok with the change to s. 767.215 (5) (a) 2., though, too?

From: Nikolay, Robert A - DCF [mailto:Robert.Nikolay@wisconsin.gov]
Sent: Wednesday, August 11, 2010 10:40 AM
To: Kahler, Pam
Cc: Chesnik, Connie - DCF
Subject: FW: DCF Biennial Budget Stat Language Drafting Requests

It looks like that change to (5)(b) should be made. Sorry.

Bob Nikolay
Budget Director
Office of Performance and Quality Assurance
Wisconsin Department of Children & Families
(608) 261-4349

From: Chesnik, Connie - DCF
Sent: Wednesday, August 11, 2010 10:09 AM
To: Nikolay, Robert A - DCF; Pfeiffer, Susan E - DCF
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

Bob, I would suggest having Pam make the change to s.5(b). There was an error in the recodification to

08/11/2010

Chapter 767 and the cite in s.767.215(5)(b) is to the wrong section-it's supposed to cite to the financial disclosure section. It's a technical change.

Thanks,

Connie
Connie M. Chesnik
Attorney
608-267-7295 (office)
608-692-7379 (cell)
connie.chesnik@wisconsin.gov

From: Nikolay, Robert A - DCF
Sent: Wednesday, August 11, 2010 8:47 AM
To: Chesnik, Connie - DCF; Pfeiffer, Susan E - DCF
Subject: FW: DCF Biennial Budget Stat Language Drafting Requests

Your thoughts?

Bob Nikolay
Budget Director
Office of Performance and Quality Assurance
Wisconsin Department of Children & Families
(608) 261-4349

From: Nikolay, Robert A - DCF
Sent: Tuesday, August 10, 2010 4:28 PM
To: Kahler, Pam - LEGIS
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

(5)(a)2 seems fine as a technical change. I would not amend (5)(b) at this time, but will consult with Connie on that as I don't know what impact this would have.

Bob Nikolay
Budget Director
Office of Performance and Quality Assurance
Wisconsin Department of Children & Families
(608) 261-4349

From: Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]
Sent: Tuesday, August 10, 2010 2:24 PM
To: Nikolay, Robert A - DCF
Subject: RE: DCF Biennial Budget Stat Language Drafting Requests

Bob:

In looking at 2007 SB 362, I see that a couple other changes were made to s. 767.215 (5) (a) 2. and (b). Would you like to have those included in the first bill? (The change to s. 767.215 (5) (a) 2. is probably technical but could have a substantive effect. The change to s. 767.215 (5) (b) appears to be technical.)

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From: Nikolay, Robert A - DCF [<mailto:Robert.Nikolay@wisconsin.gov>]
Sent: Tuesday, August 10, 2010 1:31 PM
To: Kahler, Pam

Subject: DCF Biennial Budget Stat Language Drafting Requests

Attached are two drafting requests for the Department of Children and Families that may be included in our Sept. 15 budget request.

<< File: CPA Stat.doc >> << File: Milw CW Partnership Council.doc >>

Hope you enjoyed your week off.

Bob Nikolay
Budget Director
Office of Performance and Quality Assurance
Wisconsin Department of Children & Families
(608) 261-4349



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-47847

PJK:...

PI
kf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(in 8-11)

PWF

gen cat

- 1 AN ACT...; relating to: the filing of an addendum with social security numbers
- 2 in a paternity action.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3

(END)



State of Wisconsin
2007-2008 LEGISLATURE
2009-2010

LRB-2449/2

PJK:kjfnwn

2009 ←
2007 SENATE BILL 362

December 19, 2007 - Introduced by Senator GROTHMAN, cosponsored by Representatives HAHN, TOWNSEND and GUNDERSON. Referred to Committee on Judiciary, Corrections, and Housing.

1 **AN ACT to amend** 69.15 (3) (b) 3., 767.215 (5) (a) (intro.), 767.215 (5) (a) 2.,
2 767.215 (5) (b), 767.59 (1c) (b), 767.813 (5) (a) 4. and 767.865 (1) (a); and **to**
3 **create** 767.215 (5) (am), 767.511 (2m), 767.61 (4m) and 767.61 (7) of the
4 statutes; **relating to:** miscellaneous revisions to statutes relating to actions
5 affecting the family.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting the family, such as a divorce, when the petition commencing the action is filed, the social security numbers of the parties, of each minor child of the parties, and of each child born to the wife during the marriage must be filed with the court on a form that is separate from the petition. This bill limits the social security numbers that must be filed for children born to the wife during the marriage to those of minor children who were born to the wife during the marriage. The bill also provides that in a paternity action, the form with the social security numbers of the parties and minor children must be filed with the court within five business days after paternity is adjudicated, rather than at the beginning of the action when the petition is filed.

The bill makes a few other minor technical corrections relating to the chapter on actions affecting the family. For example, under current law, a court may order child support, legal custody, and periods of physical placement on the basis of a statement acknowledging paternity that is signed by both parents and filed with the state registrar. However, since January 1, 2007, a minor has been prohibited from

SENATE BILL 362

signing a statement acknowledging paternity. The bill harmonizes this prohibition with the statutes related to requirements for the state registrar with respect to changing facts on birth certificates. Another technical change that the bill makes is conforming to current law the maximum possible number of years of imprisonment for interference with the custody of a child in the form for a summons in a paternity action. Previously the maximum period of imprisonment was up to five years; currently the maximum is up to three years and six months.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 69.15 (3) (b) 3. of the statutes is amended to read:

69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents, and by a parent or legal guardian of any parent who is neither of whom was under the age of 18 years when the form was signed, along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form shall be available to the department of workforce development or a county child support agency under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment the information in s. 767.805 and the items in s. 767.813 (5g).

SECTION 2. 767.215 (5) (a) (intro.) of the statutes is amended to read:

767.215 (5) (a) (intro.) ~~When~~ Except as provided in par. (am), ~~when~~ the petition under this section is filed with the court, the party filing the petition shall submit a separate form, furnished by the court, containing all of the following:

SECTION 3. 767.215 (5) (a) 2. of the statutes is amended to read:

SENATE BILL 362

1 767.215 (5) (a) 2. The name, date of birth, and social security number of each
2 minor child of the parties and of each child who was born to the wife during the
3 marriage and who is a minor. ✓

4 **SECTION 4.** 767.215 (5) (am) of the statutes is created to read:

5 767.215 (5) (am) In an action to determine the paternity of a child, the party
6 who filed the petition shall submit the form under par. (a) within 5 days after
7 paternity is adjudicated. ✓

8 **SECTION 5.** 767.215 (5) (b) of the statutes is amended to read:

9 767.215 (5) (b) A form submitted under this subsection shall be maintained
10 with the confidential information required under s. ~~767.54~~ 767.127 or maintained
11 separately from the case file. The form may be disclosed only to the parties and their
12 attorneys, a county child support enforcement agency, and any other person
13 authorized by law or court order to have access to the information on the form.

14 **SECTION 6.** 767.511 (2m) of the statutes is created to read:

15 767.511 (2m) LIMITATIONS ON APPROVAL OF STIPULATIONS. Section 767.34 (2) (a)
16 and (am) provide limitations on the court's approval of stipulations relating to child
17 support.

18 **SECTION 7.** 767.59 (1c) (b) of the statutes is amended to read:

19 767.59 (1c) (b) A court may not revise or modify a judgment or order that waives
20 maintenance payments for either party or a judgment or order with respect to final
21 division of property.

22 **SECTION 8.** 767.61 (4m) of the statutes is created to read:

23 767.61 (4m) LIMITATION ON APPROVAL OF STIPULATIONS. Section 767.34 (2) (b)
24 provides a limitation on the court's approval of stipulations relating to property
25 division.

SENATE BILL 362

SECTION 9. 767.61 (7) of the statutes is created to read:

767.61 (7) REVISION PROHIBITED. A court may not revise or modify a judgment or order with respect to final division of property.

SECTION 10. 767.813 (5) (a) 4. of the statutes is amended to read:

767.813 (5) (a) 4. You are also notified that interference with the custody of a child is punishable by a fine of up to \$10,000 and imprisonment for up to 5 3 years and 6 months. Section 948.31, stats.

SECTION 11. ~~767.865~~ (1) (a) of the statutes is amended to read:

~~767.865 (1) (a) The personal representative or, if there is no personal representative, a guardian ad litem in accordance with par. (b) may appear for a deceased respondent whenever an appearance by the respondent is required. The summons and petition shall be served on the personal representative of and or guardian ad litem for the deceased respondent under s. 767.813 (3).~~

SECTION 12. Initial applicability.

(1) SOCIAL SECURITY NUMBERS IN PATERNITY ACTIONS. The treatment of section 767.215 (5) (a) (intro.) and (am) of the statutes first applies to paternity actions that are commenced on the effective date of this subsection.

(END)

CS

(#) Social security numbers of minor children. The treatment of section 767.215(5)(a) 2. of the statutes first applies to petitions that are filed on the effective date of this subsection.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4784/P1
PJK:kjf:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 767.215 (5) (a) (intro.), 767.215 (5) (a) 2. and 767.215 (5) (b);
2 and *to create* 767.215 (5) (am) of the statutes; **relating to:** the filing of an
3 addendum with social security numbers in a paternity action.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting the family, such as a divorce, when the petition commencing the action is filed, the social security numbers of the parties, of each minor child of the parties, and of each child born to the wife during the marriage must be filed with the court on a form that is separate from the petition. This bill limits the social security numbers that must be filed for children born to the wife during the marriage to those of minor children who were born to the wife during the marriage. The bill also provides that in a paternity action, the form with the social security numbers of the parties and minor child must be filed with the court within five business days after paternity is adjudicated, rather than at the beginning of the action when the petition is filed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 767.215 (5) (a) (intro.) of the statutes is amended to read:

767.215 (5) (a) (intro.) ~~When~~ Except as provided in par. (am), when the petition under this section is filed with the court, the party filing the petition shall submit a separate form, furnished by the court, containing all of the following:

SECTION 2. 767.215 (5) (a) 2. of the statutes is amended to read:

767.215 (5) (a) 2. The name, date of birth, and social security number of each minor child of the parties and of each child who was born to the wife during the marriage and who is a minor.

SECTION 3. 767.215 (5) (am) of the statutes is created to read:

767.215 (5) (am) In an action to determine the paternity of a child, the party who filed the petition shall submit the form under par. (a) within 5 days after paternity is adjudicated.

SECTION 4. 767.215 (5) (b) of the statutes is amended to read:

767.215 (5) (b) A form submitted under this subsection shall be maintained with the confidential information required under s. ~~767.54~~ 767.127 or maintained separately from the case file. The form may be disclosed only to the parties and their attorneys, a county child support enforcement agency, and any other person authorized by law or court order to have access to the information on the form.

SECTION 5. Initial applicability.

(1) SOCIAL SECURITY NUMBERS IN PATERNITY ACTIONS. The treatment of section 767.215 (5) (a) (intro.) and (am) of the statutes first applies to paternity actions that are commenced on the effective date of this subsection.

(2) SOCIAL SECURITY NUMBERS OF MINOR CHILDREN. The treatment of section 767.215 (5) (a) 2. of the statutes first applies to petitions that are filed on the effective date of this subsection.

(END)